

Leonard F. Joy
Executive Director

Southern District of New York
John J. Byrnes
Attorney-in-Charge

By Facsimile

April 16, 2008

The Honorable Harold Baer, Jr.
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Marlon Castillo
08 Cr. 093

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>4/17/08</u>
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Dear Judge Baer:

I write on behalf of my client, Marlon Castillo, to request a 45-day adjournment of his trial, currently scheduled to begin on May 12, 2008. I make this request based upon the need for additional time to conduct settlement negotiations with the Government. This is my first request for an adjournment in this case.

On February 13, 2008, Mr. Castillo was charged in a one-count Indictment with possession of child pornography. Discovery was timely provided by counsel for the government. On March 14, 2008, the parties appeared in this Court for a status conference. At that time, this Court set trial for May 12, 2008.

I have met with Mr. Castillo on numerous occasions over the last several weeks. As a result of our conversations and my research into his personal and family background, I have determined that Mr. Castillo may be a suitable candidate for a deferred prosecution. I have contacted counsel for the government and he has granted my request to submit a letter to that end.

A 45-day adjournment of the trial date will allow for sufficient time for preparation, submission, and review of the deferred prosecution letter. Further, as an integral part of my request for a deferred prosecution, Mr. Castillo has agreed to undergo a psychological evaluation. The requested adjournment will provide an opportunity for such an evaluation to be conducted, and for review of any reports associated with the evaluation.

While I am aware that a request for a deferred prosecution typically occurs shortly after the filing of charges, the sensitive and serious nature of the allegations in this case required me to spend a significant amount of time with Mr. Castillo before I obtained the information necessary to make such a request. Counsel for the Government has informed me that, while he does not oppose my submission of a deferred prosecution letter, he does not consent to an adjournment of the trial date.

Currently, Mr. Castillo is released on bond pending trial. He is employed full-time and is in compliance with all the conditions of his pre-trial supervision. I have informed him about my request for a 45-day adjournment in this case and he does not object. Further, Mr. Castillo consents to an exclusion of the time requested under the Speedy Trial Act.

Respectfully submitted,

[Signature]
 Hugh M. Mundy
 Attorney for Warren Castillo
 212-417-8737

cc: Daniel Goldman, AUSA via facsimile

I'm reluctant to grant an additional 45 days since it would be inconvenient for me personally and my trial calendar is already set. I will adjourn until June 2, 2008 & we will go forward on that date or not depending on your success with AUSA

SO ORDERED:

[Signature]
 Harold Baer, Jr., U.S.D.J.

4/16/08

Endorsement:

I'm reluctant to give an additional 45 days since it would be inconvenient for me personally and my trial calendar is already set - I will adjourn until June 2, 2008 and we will go forward on that date or not depending on your success with the AUSA.